

## REMARKS

### A. Summary of Pending Claims

Herein the applicant rewrites allowable claims 14 and 24 into independent form including all the limitations of the base claim and any intervening claim. Claim 25, which depends from claim 24, is allowable as originally presented. The applicant also amends claim 9, and cancels claims 1-8, 11-13, 15-23, and 33-79 without prejudice to further prosecution. Accordingly, claims 9-10, 14, and 24-32 are pending.

### B. Response to rejection of pending Claims 9-10, 26, and 32

In the office action, the Examiner rejects claims 9-10, 26, and 32 under 35 USC §102 as being anticipated by US patent 7,127,066 ("Solomon"). The Applicant respectfully submits that amended claim 9 has limitations not disclosed by Solomon, and therefore independent claim 9, and its dependent claims 10, 26, and 32, are not anticipated.

For example, Solomon fails to disclose any process for "applying ... an electrical signal to the optical media" as claimed. Instead, Solomon only discloses using exposure to a laser light for a cumulative period of time to effect a change in a photosensitive dye. Citations from Solomon are shown below.

#### Column 5:

In some exemplary embodiments, the mark of photosensitive dye is initially transparent (i.e., transparent to the reading laser light) to allow the control key data to initially be read by the DVD reader and then permanently changes to become opaque (with respect to the reading laser light) when further exposed to light of the DVD reader laser for at least a predetermined cumulative period of time. Alternatively, the mark of photosensitive dye is initially opaque to prevent the control key data from initially being read by the DVD reader and then permanently changes to become transparent when further exposed to light of the DVD reader laser for at least a predetermined cumulative period of time. The exposure to the laser needed to change an optical property of the mark (i.e., from transparent to opaque or from opaque to transparent) is incrementally accomplished, for example, by repeatedly reading (or at least attempting to read) the control key data until a change in the mark occurs (or does not occur when otherwise expected).

Column 6:

- 10 In embodiments including a mark that is initially opaque, the control logic may, for example, comprise hidden key data logic. The control key data is initially prevented from being read by the opaque mark to enable predetermined reading and playback usage of the protected content data via  
15 the hidden key data logic. After the mark is permanently changed to become transparent because of exposure to the DVD reader laser, the control key data can be read through the now transparent mark to prevent further reading of the protected content data via the hidden key data logic.

Solomon fails to disclose any process for “applying ... an electrical signal to the optical media” as claimed. Accordingly the applicant respectfully submits that independent claim 9, and its dependent claims 10, 26, and 32, cannot be anticipated by Solomon.

**C. Response to rejection of pending Claims 27-31 under 35 USC §103(a)**

1. In the office action, the Examiner rejects claims 27-29 and 31 under 35 USC §103(a) as being unpatentable over Solomon in view of US patent publication 20050083829 (“Selinfreund”).

As described in Section B above, Solomon fails to disclose any process for “applying ... an electrical signal to the optical media” as claimed, and Selinfreund does not overcome this deficiency. Just as with Solomon, Selinfreund also fails to disclose any process for “applying ... an electrical signal to the optical media” as claimed. Instead, Selinfreund has a light sensitive material in or on the media that changes responsive to receiving light. Citations from Selinfreund are shown below.

**[0011]** In another aspect of the invention; an optical media may include a light sensitive material that is positioned in or on the medium so that it provides a code that may be required to install software from the medium onto a computer. For example, the code provided by the pattern of light sensitive material on the medium may be required to match a code that is input by the user of the medium in order for the software contained on the medium to be properly installed.

[0027] As one example, a CD may include a light sensitive material that is positioned in one or more positions on the CD. The light sensitive material may be alterable between two states, such as transparent and light emitting, to affect reading of data from the CD. The light sensitive material may be caused to change from a first state to a second state by being illuminated, such as by laser light from a CD reader, and then change from the second state to the first state without being illuminated. The light sensitive material may have some delay time between being illuminated and actually changing from the first to second state, e.g., changing from transparent to light emitting, so that data may be read from the CD before the light sensitive material changes to the second state. Thus, the delay time of the light sensitive material may be made longer than the read time (including oversampling) for a portion of the CD. Once the light sensitive material has changed to the second state, the material may remain in the second state, or have some persistence, for some time period, e.g., may remain light emitting for 1 ms or more. While the material is in the second state, the material may affect whether and how the CD is read, e.g., the material in the light emitting state may cause the reader to output a string of "0"s rather than output actual data positioned on the CD below the material, or may cause the reader to be unable to read the CD.

Solomon and Selinfreund, either alone or in combination, fail to disclose or teach any process for "applying ... an electrical signal to the optical media" as claimed. Accordingly, since the cited references fail to teach all the limitations as claimed, claims 27-29 and 31 cannot be rendered obvious by any combination of Solomon and Selinfreund.

2. In the office action, the Examiner rejects claim 30 under 35 USC §103(a) as being unpatentable over Solomon in view of US patent publication 20050083829 ("Selinfreund") and further in view of US patent 6,067,028 ("Takamatsu").

As described in Section C(1) above, Solomon and Selinfreund fail to disclose any process for "applying ... an electrical signal to the optical media" as claimed, and Takamatsu does not overcome this deficiency. Just as with Solomon and Selinfreund, Takamatsu also fails to disclose any process for "applying ... an electrical signal to the optical media" as claimed. Instead, the Examiner cites to Takamatsu for teaching the encryption of a control signal.

Solomon, Selinfreund and Takamatsu, either alone or in combination, fail to disclose or teach any process for “applying ... an electrical signal to the optical media” as claimed. Accordingly, since the cited references fail to teach all the limitations as claimed, claim 30 cannot be rendered obvious by any combination of Solomon, Selinfreund and Takamatsu.

**D. Response to rejection of cancelled claims under 35 USC §102**

In the office action, the Examiner rejects claims 11, 19, 33-36, 38-41, 43, 45, and 52-55 under 35 USC §103. This rejection is moot as the applicant has cancelled these claims without prejudice to prosecution in a separately filed continuing application.

In the office action, the Examiner rejects claims 46-50, and 68-72 under 35 USC §102(e). This rejection is moot as the applicant has cancelled these claims without prejudice to prosecution in a separately filed continuing application.

In the office action, the Examiner rejects claims 70-71 under 35 USC §102(e). This rejection is moot as the applicant has cancelled these claims without prejudice to prosecution in a separately filed continuing application.

In the office action, the Examiner rejects claims 57-58 and 60-66 under 35 USC §102(e). This rejection is moot as the applicant has cancelled these claims without prejudice to prosecution in a separately filed continuing application.

**E. Response to rejection of cancelled claims under 35 USC §103**

In the office action, the Examiner rejects claims 1-3 and 23 under 35 USC §103(a). This rejection is moot as the applicant has cancelled these claims without prejudice to prosecution in a separately filed continuing application.

In the office action, the Examiner rejects claim 4 under 35 USC §103(a). This rejection is moot as the applicant has cancelled this claim without prejudice to prosecution in a separately filed continuing application.

In the office action, the Examiner rejects claim 5 under 35 USC §103(a). This rejection is moot as the applicant has cancelled this claim without prejudice to prosecution in a separately filed continuing application.

In the office action, the Examiner rejects claim 13 under 35 USC §103(a). This rejection is moot as the applicant has cancelled this claim without prejudice to prosecution in a separately filed continuing application.

In the office action, the Examiner rejects claim 22 under 35 USC §103(a). This rejection is moot as the applicant has cancelled this claim without prejudice to prosecution in a separately filed continuing application.

In the office action, the Examiner rejects claim 37 under 35 USC §103(a). This rejection is moot as the applicant has cancelled this claim without prejudice to prosecution in a separately filed continuing application.

In the office action, the Examiner rejects claim 42 under 35 USC §103(a). This rejection is moot as the applicant has cancelled this claim without prejudice to prosecution in a separately filed continuing application.

In the office action, the Examiner rejects claims 44 and 56 under 35 USC §103(a). This rejection is moot as the applicant has cancelled these claims without prejudice to prosecution in a separately filed continuing application.

In the office action, the Examiner rejects claim 51 under 35 USC §103(a). This rejection is moot as the applicant has cancelled this claim without prejudice to prosecution in a separately filed continuing application.

In the office action, the Examiner rejects claim 59 under 35 USC §103(a). This rejection is moot as the applicant has cancelled this claim without prejudice to prosecution in a separately filed continuing application.

In the office action, the Examiner rejects claim 67 under 35 USC §103(a). This rejection is moot as the applicant has cancelled this claim without prejudice to prosecution in a separately filed continuing application.

In the office action, the Examiner rejects claims 73 and 79 under 35 USC §103(a). This rejection is moot as the applicant has cancelled these claims without prejudice to prosecution in a separately filed continuing application.

In the office action, the Examiner rejects claims 74-78 under 35 USC §103(a). This rejection is moot as the applicant has cancelled these claims without prejudice to prosecution in a separately filed continuing application.

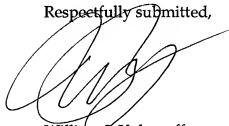
#### **F. Allowable Subject Matter**

In the Office Action, the examiner indicated the claims 14, 24, and 25 contain allowable subject matter. The applicant has rewritten allowable claims 14 and 24 into independent form including all the limitations of the base claim and any intervening claim. Claim 25, which depends from claim 24, is allowable as originally presented.

#### **G. Conclusion**

The applicant respectfully submits that pending claims 9-10, 14, and 24-32 are in a condition for allowance. If the Examiner would find it useful, the Examiner is invited to call the undersigned attorney.

Respectfully submitted,

A large, stylized handwritten signature in black ink, appearing to read 'W. Kolegraff', is written over the typed name.

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